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**JAN 23 2006**

PURPLE RESEARCH FOUNDATION  
 OFFICE OF TECHNOLOGY COMMERCIALIZATION

Docket No: 290.0004 0130  
 (US Nat'l Stage)

**DECLARATION**

We, Peixuan Guo, Stephen M. Hoeprich and Dan Shu, declare that: (1) our respective citizenships and residence/mailing addresses are indicated below; (2) we have reviewed and understand the contents of the specification identified below, including the claims, as amended by any amendment specifically referred to herein, (3) we believe that we are the original, first, and joint inventors of the subject matter in

pRNA CHIMERA  
 U.S. National Stage Patent Serial Number 10/539,241, filed 16 June 2005  
 International Patent Application No. PCT/US 2003/039950, filed 16 December 2003

described and claimed therein and for which a patent is sought; and (4) we hereby acknowledge our duty to disclose to the United States Patent and Trademark Office all information known to us to be material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below, or §365(a) of any PCT international application which designates at least one country other than the United States of America listed below, and have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on the basis of which priority is claimed.

a. X no such applications have been filed.  
 b.        such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC §119(a)-(d), §365(a), and/or §365(b)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

<sup>1</sup> Title 37, Code of Federal Regulations, §1.56 is reproduced on the attached page.

**Declaration**

Serial No. 10/539,241 (U.S. Nat'l Stage of PCT/US 2003/039950)

Filing Date: 16 June 2005

Title: *pRNA CHIMERA*

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We hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

- a.  no such applications have been filed.
- b.  such applications have been filed as follows:

PROVISIONAL APPLICATION(S), IF ANY, UNDER 35 USC §119(e)	
APPLICATION NUMBER	DATE OF FILING (day, month, year)
60/433,697	16 December 2002
60/227,393	23 August 2000

We hereby claim the benefit under Title 35, United States Code, §120 of any United States applications or §365(c) of any PCT international application(s) designating the United States of America, listed below.

- a.  no such applications have been filed.
- b.  such applications have been filed as follows:

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
10/373,612	24 February 2003	Pending
PCT/US 2001/26333	23 August 2001	Complete

Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**Declaration**

Serial No. 10/539,241 (U.S. Non-Treaty of PCT/US 2003/039950)

Filing Date: 16 June 2005

Title: *pRNA CHIMERA**Page 3 of 4*

Wherefore, we pray that Letters Patent be granted to us for the invention described and claimed in the specification identified above and we hereby subscribe our names to the foregoing specification, claims, and Declaration, on the date indicated below.



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Date

11/18/06

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Date

**Declaration**  
**Serial No. 10/539,241 (U.S. Natl)**  
**Filing Date: 16 June 2005**  
**Title: *prRNA CHIMERA***

*Stage of PCT/US 2003/0194501*

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by the most effective patent examiner and evaluates the teachings and prosecution of a patent application includes a duty to disclose information material to patentability of a claim that is not material to the patentability of any claim that is prescribed by §§ 1.97(b)-(e) in which fraud on the Office was intentional misconduct. The

- (1) Prior art cited
- (2) The closest application information

(b) Under thirty days of record or being filed

- (1) It establishes unpatentability
- (2) It refutes or
- (3) It is inconsistent with a position the applicant takes in
- (4) It exposes an argument of unpatentability relied on by the Office, or
- (5) It asserts an argument of patentability.

A prima facie case of unpatentability is established when the information is broadest reasonable construction which may be substituted for

(c) Individuals named in this section are

- (1) Each inventor
- (2) Each attorney
- (3) Every other individual applying for the application

(d) Individuals named in the application

(e) In any case

the Office all information known which became available before the date of the continuation or

action material to patentability.

is very nature is affected with a public interest. The public interest occurs when, at the time an application is being examined, information material to patentability. Each individual associated with the Office all information known to that individual to be material to disclose information exists with respect to each pending claim under consideration, or the application becomes abandoned. Information cancelled or withdrawn from consideration need not be submitted of any claim remaining under consideration in the application. material to the patentability of any existing claim. The duty to disclose information material to patentability is deemed to be satisfied if all information known to the Office was cited by the Office or submitted to the Office under 1.98. However, no patent will be granted on an application in which fraud on the Office was intentional misconduct. The Office encourages applicants to carefully examine

ed in search reports of a foreign patent office in a counterpart application or information over which individuals associated with the filing or prosecution of the application believe any pending claim patentably defines, to make sure that information contained therein is disclosed to the Office.

Section, information is material to patentability when it is not considered of record in the application, and

(a) by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(b) is inconsistent with a position the applicant takes in

(c) exposing an argument of unpatentability relied on by the Office, or

(d) asserting an argument of patentability.

Patentability is established when the information compels a conclusion of unpatentability, burden-of-proof standard, giving each invention consistent with the specification, and before any consideration is given to the application.

Individuals associated with the filing or prosecution of a patent application

(a) attorney named in the application;

(b) attorney or agent who prepares or prosecutes the application; and

(c) any person who is substantially involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with the obligation to assign the application.

Other than the attorney, agent or inventor may comply with this section.

In a continuation-in-part application, the duty under this section includes

(a) giving to the person to be material to patentability, as defined in paragraph (b) between the filing date of the prior application and the national or PCT application.